

**REMARKS**

Claims 1-31 are pending in the application.

Claims 1-31 have been rejected.

Claims 1, 13, 23, and 28 have been amended. Support for these amendments can be found, at least, in FIG. 3 of the present application. No new matter has been added by this amendment.

**Rejection of Claims Under 35 U.S.C. §101**

Claims 23-27 stand rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. In the rejection, the Final Office Action suggests amending the claims to recite a machine-readable storage medium. Final Office Action, p. 3. Claim 23 has been amended as suggested. Accordingly, Applicant respectfully requests the withdrawal of this rejection.

**Rejection of Claims Under 35 U.S.C. §102**

In the Office Action mailed May 31, 2006 (hereinafter referred to as “Office Action”) and the Final Office Action mailed November 24, 2006 (hereinafter referred to as the “Final Office Action”), claims 1-31 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication 2004/0010487 issued to Prahlad et al. (hereinafter referred to as “Prahlad”). Applicants respectfully traverse this rejection.

As noted in the previous response, the cited art does not teach or suggest “discovering a plurality of components of a database,” as recited in claim 1. The Examiner equates “raw logical volumes” with “components of a database.” Office Action, p. 4. Applicants respectfully disagree with this assertion and note that one of ordinary skill in the art would not consider the logical volumes used by a database to be components of the database.

The basis for the Examiner’s equation of a logical volume with a database component appears to be a sentence in paragraph 45 of Prahlad, which states:

"Sophisticated software, such as database management systems ("DBMS"), may use special file system features or even raw logical volumes, and employ measure to protect the consistency of data and metadata." However, this sentence simply states that a DBMS can make use of a raw logical volume. Just as a statement that a car can use a road would not teach or suggest that a road is a component of a car, the mere statement that a DBMS can use a logical volume neither teaches nor suggests that a logical volume is a component of a database.

In the Final Office Action, the position set forth in the Office Action is reiterated: "Now, the mere fact that a DBMS can make use of a raw logical volume suggests that volumes can be construed to be a component of a database. Just as the mere fact that a car can make use of a tire, suggests that a tire is a component of a car." Final Office Action, p. 21.

Applicant notes that nothing in the cited art teaches or suggests that the raw logical volume is part of database. Furthermore, based on the Examiner's analogy, the mere fact that the DBMS uses the raw logical volume would, at best, suggest that the volume might somehow be part of the DBMS, not that the raw logical volume is part of a database. Applicant further notes that one of ordinary skill in the art would not consider such a raw logical volume to be part of either a DBMS or a database managed by a DBMS.

Nevertheless, in order to expedite prosecution, Applicant has amended claim 1 to make it abundantly clear that the database "comprises" the components and that the database (and thus the components included within the database) is stored on a storage volume. This clearly indicates that the volume upon which a database is stored cannot be a component of the database, since the volume is clearly not included within the database. This is emphasized by the fact that, in claim 1, the volume stores the database. Since the cited portions of Prahlad do not teach or suggest a database that is stored on a volume and that comprises a plurality of components, the cited portions of Prahlad clearly neither teach nor suggest claim 1.

Applicant further notes that none of the cited portions of the reference teach or suggest "discovering a plurality of components of a database." As noted above, the raw logical volumes are not database components. Furthermore, there is no teaching or suggestion to discover database components. The cited reference is concerned with

generating and managing quick recovery volumes. Prahla, Title. Furthermore, the reference neither attempts to nor expresses any desire to interact with individual database components. Thus, the reference clearly does not teach or suggest anything about "discovering a plurality of components of a database."

For at least the foregoing reason, claim 1 is patentable over the cited art, as are dependent claims 2-12. Claims 13-31 are patentable over the cited art for similar reasons.

Further with respect to claim 1, the cited art does not teach or suggest "selecting a data management resource... using an attribute of said component" and "generating a point-in-time image of said component using said data management resource." As noted above, the cited portions of Prahla neither teach nor suggest discovering components of a database. The cited portions of Prahla also fail to teach or suggest anything about attributes of database components, nor do the cited portions of Prahla teach or suggest anything about attributes of database components and using those attributes to select data management resources. Accordingly, claim 1 is further patentable over the cited art for these reasons.

**CONCLUSION**

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5087.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop RCE, COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on February 26, 2007.

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